

Message Text

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65

ORIGIN NEA-10

INFO OCT-01 ISO-00 TRSE-00 FS-01 ABF-01 L-03 AID-05 IGA-01

FRB-03 OMB-01 SS-15 SP-02 NSC-05 CIAE-00 INR-07

NSAE-00 AGR-05 EB-07 AS-01 /068 R

DRAFTED BY NEA/INS:AATHIBAULT,JR.:JES

APPROVED BY NEA/INS:SKUX

TREAS:BCM/FCS:DACHIODO

TREAS:LBLOOM

NEA/L:JROHWER

BF/FS/AB:DRWATKINS (INFO)

M/FRM/FM:RPWHITENER (INFO)

BF/FS/AS/FC:BWGERMAN (INFO)

----- 074809

P 172157Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY COLOMBO PRIORITY

C O N F I D E N T I A L STATE 141882

E.O. 11652:GDS

TAGS:AFIN, CE

SUBJECT: U.S.-OWNED RUPEES IN INTEREST BEARING ACCOUNTS

REF: A) COLOMBO 1862, 1890; B) STATE 139257

1. LEGAL OPINION IN BOTH STATE AND TREASURY IS THAT EMBASSY
SHOULD AVOID RELIANCE ON LANGUAGE OF 1967 PL 480 AGREEMENT
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IN ITS DISCUSSION WITH CEYLONENE. PROBLEM IS TWO-FOLD: ON
ONE HAND, LETTERS EXCHANGED IN 1966 HAD SPECIFIC APPLICATION
TO RUPEES GENERATED BY 1966 PL 480 AGREEMENT AND BY TWO

LOANS THEN UNDER NEGOTIATION. THESE LETTERS AND 1967 PL 80 AGREEMENT COVERED COMPLETELY DIFFERENT MATTERS AND DID NOT INFLUENCE EACH OTHER. AS A GENERAL PRINCIPLE, BOTH PARTIES WERE FREE TO MODIFY LANGUAGE OF FUTURE AGREEMENTS WITHOUT AFFECTING VALIDITY OR SCOPE OF PREVIOUSLY NEGOTIATED ARRANGEMENTS. NOTHING FAVORABLE TO OUR POSITION, THEREFORE, CAN BE DEDUCED FROM OMISSION IN 1967 AGREEMENT OF "UNLESS...MUTUALLY AGREED UPON" CLAUSE OF 1966.

2. IN GENERAL OUR FEELING IS THAT TO ARGUE OTHERWISE REPRESENTS DEBATING POINT WHICH CANNOT BE SUSTAINED IF CHALLENGED, AND WHICH COULD DAMAGE REST OF CASE RESTING ON LEGALLY SOUND BASIS. KISSINGER

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NNN

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Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: woolflhd
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition Event:
Disposition History: n/a
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Drafter: AATHIBAULT,JR.:JES
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750211-0539
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1975/newtext/t19750641/aaaablottel
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06 JUL 2006

Review Media Identifier:
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Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
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TAGS: AFIN, CE
To: COLOMBO
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